

**U.S. DISTRICT COURT
N.D. OF N.Y.
FILED**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

OCT 03 2011

AMY NEGRON f/k/a AMY O'BRYAN,

**LAWRENCE K. BAERMAN, CLERK
ALBANY**

Plaintiff,

v.

1:08-CV-692
(FJS/RFT)

ULSTER COUNTY, PAUL J. VANBLARCUM,
in his official capacity as Sheriff of the County
of Ulster and individually; RICHARD
BOCKELMANN, in his official capacity as
Sheriff of the County of Ulster and individually;
and PAUL WESOLOWSKI, in his official capacity
as a member of the Ulster County Sheriff's
Department and individually,

Defendants.

VERDICT FORM

Plaintiff's Title VII Claims

1. Did Plaintiff prove, by a preponderance of the evidence, that Defendant Ulster County discriminated against her because of her gender by subjecting her to a hostile work environment?

Yes ✓

No _____

If your answer to Question 1 is "Yes," go to Question 2.

If you answer to Question 1 is "No," go to Question 3.

2. Did Defendant Ulster County prove, by a preponderance of the evidence, both that (1) it exercised reasonable care to prevent and/or correct promptly any sexually harassing behavior, and (2) that Plaintiff unreasonably failed to take advantage of the preventive or corrective opportunities that Defendant Ulster County provided or that, if Plaintiff did take advantage of those opportunities, Defendant Ulster County responded in a reasonable manner and took prompt corrective action?

Yes _____

No ☒ _____

3. Did Plaintiff prove, by a preponderance of the evidence, that Defendant Ulster County discriminated against her because of her gender by treating her differently, and less favorably, than her similarly-situated male co-workers?

Yes ☒ _____

No _____

4. Did Plaintiff prove, by a preponderance of the evidence, that Defendant Ulster County retaliated against her because she filed a charge of discrimination with the EEOC and/or other complaints of gender discrimination?

Yes ☒ _____

No _____

5. If you answered "Yes" to Question 1 and "No" to Question 2, or "Yes" to Question 3, or "Yes" to Question 4, did Plaintiff demonstrate that she is entitled to compensatory damages against Defendant Ulster County?

Yes ✓ No _____

If your answer is "No," you must award Plaintiff \$1.00 in nominal damages against Defendant Ulster County. Please enter "\$1.00" in the space below.

\$ _____

If your answer is "Yes," state the amount of compensatory damages to which you find Plaintiff is entitled against Defendant Ulster County.

\$ 40,000 (sexual harassment/hostile work environment)
(If you answered "Yes" to Question 1 and "No" to Question 2)

\$ 40,000 (disparate treatment)
(If you answered "Yes" to Question 3)

\$ 10,000 (retaliation)
(If you answered "Yes" to Question 4)

Plaintiff's Fourteenth Amendment Equal Protection Claim

6. Did Plaintiff prove, by a preponderance of the evidence, that any of the following Defendants violated her Fourteenth Amendment right to equal protection?

Defendant VanBlarcum Yes ✓ No _____

Defendant Bockelmann Yes ✓ No _____

Defendant Wesolowski Yes ✓ No _____

If your answer was "Yes" as to *any* of these individual Defendants, go to Question 7.

If your answer was "No" to *all* of these individual Defendants, go to Question 12.

7. If you answered "Yes" to *any* of the individual Defendants, did Plaintiff demonstrate that she is entitled to compensatory damages against the individual Defendants?

Yes ✓ No

If your answer is "No," you must award Plaintiff \$1.00 in nominal damages against each of the individual Defendants to whom you answered "Yes" in Question 6. Please enter "\$1.00" in the space below.

Defendant VanBlarcum \$

Defendant Bockelmann \$

Defendant Wesolowski \$

If your answer is "Yes," state the amount of compensatory damages to which you find Plaintiff is entitled against each of the individual Defendants to whom you answered "Yes" in Question 6.

Defendant VanBlarcum \$ 30,000

Defendant Bockelmann \$ 30,000

Defendant Wesolowski \$ 15,000

8. Did Plaintiff prove, by a preponderance of the evidence, that the actions of any of the individual Defendants to whom you answered "Yes" in Question 6 resulted from a custom, policy or practice of Defendant Ulster County?

Yes ✓ No

If you answered "Yes," go to Question 9.

If you answered "No," go to Question 12.

9. If you answered "Yes" to Question 8 and "No" to Question 7, you must award Plaintiff \$1.00 in nominal damages against Defendant Ulster County. Please enter "\$1.00" in the space below.

\$ N/A

10. If you answered "Yes" to Question 8 and "Yes" to Question 7, state the amount of compensatory damages to which you find Plaintiff is entitled against Defendant Ulster County.

\$ 300,000

11. If you answered "Yes" in Question 6 with regard to Defendant Wesolowski, is Plaintiff entitled to punitive damages against Defendant Wesolowski as a result of his conduct?

Yes _____ No ✓

Defendant Wesolowski's Fourteenth Amendment Equal Protection Claim

12. Did Defendant Wesolowski prove, by a preponderance of the evidence, that Defendant Bockelmann maliciously prosecuted him?

Yes ✓ No _____

If your answer is "Yes," go to Question 13.

If your answer is "No," the foreperson should sign and date this form without answering the remaining questions and tell the Marshal that you have reached a verdict.

13. Did Defendant Wesolowski prove, by a preponderance of the evidence, that the actions of Defendant Bockelmann resulted from a custom, policy or practice of Defendant Ulster County?

Yes _____ No ✓

14. If you answered "Yes" with respect to Defendant Bockelmann in Question 12, did Defendant Wesolowski demonstrate that he is entitled to compensatory damages against Defendant Bockelmann?

Yes ✓ No _____

If your answer is "No," you must award Defendant Wesolowski \$1.00 in nominal damages against Defendant Bockelmann. Please enter "\$1.00" in the spaces below.

\$ _____

If your answer is "Yes," state the amount of compensatory damages to which you find Defendant Wesolowski is entitled against Defendant Bockelmann.

\$ 35,000

15. If you answered "Yes" to Question 13 and "No" to Question 14, you must award Defendant Wesolowski \$1.00 in nominal damages against Defendant Ulster County. Please enter "\$1.00" in the space below.

\$ N/A

16. If you answered "Yes" to Question 13 and "Yes" to Question 14, state the amount of compensatory damages to which you find Defendant Wesolowski is entitled against Defendant Ulster County.

\$ N/A

17. If you answered "Yes" in Question 12, is Defendant Wesolowski entitled to punitive damages against Defendant Bockelmann as a result of his conduct?

Yes ✓ No

Dated: 10/3/2011

Foreperson: C. [Signature]

Court Exhibit 4
CR8: [Signature]
10/3/11